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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,897	02/04/2002	Dusan Janic	29766-68166	5245

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BARNES & THORNBURG  
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INDIANAPOLIS, IN 46204

EXAMINER
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CASTRO, ARNOLD

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/066,897

Applicant(s)

JANIC ET AL.

Examiner

Arnold Castro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.                      6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipate by Gaynor et al. (US/6,109,986)

Gaynor et al. disclose a system for controlling idle speed of an internal combustion engine in a marine engine, the system comprising: an engine speed sensor (12) producing an engine speed signal indicative of a rotational engine speed of an internal combustion engine; and a control circuit (10) controlling said rotational speed of said engine between an idle speed reference and a maximum speed reference see figure 6. said control circuit modifying said idle speed reference as a function of said engine speed see figure 7B and col. 9, lines 5-20, 39-42.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fett et al. (6,173,696 B1).

4. Fett et al. discloses a system for controlling idle speed of an internal combustion engine, the system comprising: an engine speed sensor (56) producing an engine speed signal (RPM) indicative of a rotational engine speed of an internal combustion engine; and a control circuit (54) controlling said rotational speed of said engine between an idle speed reference and a maximum speed reference, said control circuit

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modifying said idle speed reference as a function of said engine speed and as a function of a torque request. The control circuit further increases said idle speed reference from a first idle speed value to a second higher idle speed value as a function of said engine speed signal. (col. 2, lines 56-col. 3, line 25; col. 7 lines 6-20) Fett et al. discloses the control circuit that increases said idle speed reference to said second idle speed value if said engine speed signal indicates a rotational engine speed less than said threshold engine speed subsequent to indicating for at least said first predefined time period a rotational engine speed greater than said threshold engine speed. In regards to claim 5 and 6, system returns back to idle if power steering or compressor loads are removed using predetermined ramp rates. (col. 6, line 65-col. 7, line 5) In regards to claims 9-12 fett et al. discloses taking acceleration data in col. 3 line 57-65 wherein historic delta RPM data is gathered. Claims 13-20 are various claimed combinations of the above limitations.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references are idle speed control system wherein the idle speed is increased to prevent engine stalling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Castro whose telephone number is (703) 305-0039. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Arnold Castro  
Examiner  
Art Unit 3747

AC



Henry C. Yuen  
Supervisory Patent Examiner  
Group 3700